

Court Upholds Dismissal For Lt. Governor's Son

EPask 10/11/72

ANNAPOLIS, Md. (AP)—The Maryland Court of Special Appeals upheld Wednesday a lower court's dismissal of drug charges against the son of Maryland's lieutenant governor and nine co-defendants from Montgomery County.

The high court ruled that the indictments must be dismissed because wire taps that were used to gain evidence against the 10 had not been properly instituted.

The court noted a recent Court of Appeals ruling that requires all wire tap orders to contain "a statement as to whether or not the interception shall automatically terminate when the described communication has been first obtained. The order involved in the present cases contained no such statement and the evidence resulting from it must therefore

be suppressed and the order dismissing the indictments must be affirmed."

Named as original defendants in the case were Joseph W. Lee, son of Lt. Gov. Blair Lee, and nine others.

The original case had been removed to Garrett County for trial and the judge there had thrown all the indictments out because of what he said was the invalid wire tap order. The state had appealed the decision contending that "The federal law was constitutional and properly implemented by the Maryland law and that the wire tap application and order substantially complied with the federal statute."